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struction of the sentence ; a confounding of numbers or genders and the like. The reader might consider these as mistakes, and be inclined to correct them. The Masorites, in their endeavour to preserve the Biblical text in its traditional form, marked all such passages by the perpendicular line, and indicated thereby that the deviations were traditional and not the result of carelessness and error. Whilst the selection of the perpendicular line to indicate the absence of *makkef* seems but natural, and is easily understood, the Masoretic perpendicular is beset with many difficulties. Would the Masorites not have preferred the point in imitation of the precedent of the traditional words with dots ? And if they intended to distinguish their sigas from the more ancient and traditional dots there were the circle and the asterisk at their disposal. Would not the Masorites in trying to prevent confusion just have created a source of confusion by employing one and the same sign in two different meanings ?

The work before us is the first instalment of Dr. Büchler's researches ; that which is yet in store for us will, no doubt, bring further proofs in support of the new theory. The numerous and striking instances which Dr. Büchler quotes for each of his assertions not only prove the thoroughness of his research and the soundness of his views, but fully justify our hopes that whatever is left uncertain in the first part will be made firm and clear in the second part. Even if the doubts concerning the new theory should not be entirely dispelled, all earnest students of the Bible must welcome the first part of Dr. Büchler's work as a source of interesting and instructive information, and wish the author God-speed for the production of the second part.

M. FRIEDLÄNDER.

The Criminal Jurisprudence of the Ancient Hebrews ; Compiled from the Talmud and other Rabbinical Writings, and Compared with Roman and English Penal Jurisprudence. By S. Mendelsohn, LL.D., D.D. Baltimore : M. Curlander, 1891. Pp. viii. and 270.

COMPARATIVE jurisprudence, in the sense in which it is distinguishable from historical jurisprudence, can scarcely be said as yet to have a separate existence. Since Leibnitz very originally, though somewhat superficially, carried out the project of tabulating the universal laws, and presenting striking parallels between the methodical differences of national jurisdiction, nothing has been done for the comparison of

laws except in connection with history. (Comp. *Encycl. Britannica*, Ninth Edition, XIV., p. 366.)

We must therefore consider every endeavour which tends to illumine this branch of historical research, a contribution to the development of civilisation. Our own special branch of study, the ancient Hebrew legislation, unfolds to us a veritable labyrinth of investigation, and tempts us to enter the field of comparative philological discussion, to discover, if possible, new links still missing in our modern legal records. The praiseworthy and efficient labours of scholars like Frankel, Fassel, Graetz, Rabinowitz, and more recently Bloch,¹ certainly deserve the recognition and grateful consideration of students and historians, as they pave the way for special studies connected with this sphere of scholarship which should be carefully and thoroughly followed up by those possessed of penetration and skill. Of late years a dearth in the analysis of legal forms and criminal legislation is noticeable. The most recent attempts were those made by Dr. M. Bloch, Professor in the Rabbinical Seminary at Budapest (cf. Note 1) who has published various essays on this subject, and exhibits a great amount of originality and erudition. We also, in several volumes of our *Aruch Completum*,² have endeavoured to do justice, whenever occasion offered, to this subject, and have offered parallels which are highly interesting for the study of Talmudic and Rabbinical jurisprudence.

This new departure should be welcomed, for, if we are not mistaken, it is the first regular compendium of ancient Hebrew legislation in the English language, and uses for its basis the best and most reliable authorities, among them being standard authors like Arnold, Beccaria, Blackstone, Fiske, Gibbon, Graetz, Hallam, Montesquieu, Plutarch, Roscoe, Smith, and the somewhat antiquated Vines. We should have been well pleased, however, to have noticed more frequent references to our Jewish authors, besides Graetz, Dr. J. Frankel, for example, whose *Grundlinien des Mosaisch Talmudischen Eherechts*, is occasionally cited, but not his elaborate treatise, not as yet superseded, *Der gerichtliche Beweis nach Mosaisch Talmudischem Rechte*. Dr. Frankel has innumerable important and interesting parallels which, if rendered in a less scientific manner, would be of great service for English readers. Dr. Mendelsohn's book has the merit of being com-

¹ In two annuals of the Rabbinical Seminary at Budapest (1879, 1881—1882.)

² Cf. for instance *Aruch* vii. 53 (Roman law); also our forthcoming supplement to Vol. I., 140. For Persian law, comp. IV., p. 70. In article י"ז (III., 91—94) we have collected a large amount of material relative to our theme. Cf. also II., 164 ff.

posed in very entertaining style, all foreign expressions, philological variations, and discussions being excluded, so as not to interfere with the popular diction. The scientific portion is limited to copious notes, which expose to our view some ingenious comments and suggestions, proving conclusively that the author has consulted faithfully the above-quoted references, as well as the primal sources, Talmud, Midrash, and later Rabbinical authorities, and, in fact, to quote his own words (p. 6), has "endeavoured to interpret to the letter and spirit of the sages." The book is divided into four chief sections:— I. Crimes and Punishments. II. The Synhedrion. III. The Trial. IV. The Execution.

Under the *first* heading are classified:— 1. As to the number, §§ 11, 12. 2. Provisos, §§ 13—19. 3. Misdemeanours, Crimes, and Penalties, §§ 20—24. 4. Capital Crimes, §§ 25—32. 5. Homicide, §§ 33—37. 6. Murder, §§ 38—44. 7. Persons indictable, §§ 45—50. (Pp. 25—78.)

The *second* chapter is subdivided thus:—1. Organisation and Jurisdiction, §§ 51—56. 2. Qualifications, §§ 57—58. 3. Sessions and Recruitments, §§ 59—64. 4. Honorarium, §§ 65—67. (Pp. 87—102.)

The *third* division treats of the following:—1. The Participators, §§ 68—71. 2. Time of Trial, §§ 72—74. 3. Witnesses, §§ 75—77. 4. Cautioning Witnesses, §§ 78, 79. 5. Examination, §§ 80—91. 6. The Defendant, §§ 92—94. 7. Disproval and Confutation, §§ 95—99. 8. The Deliberations, §§ 100—104. 9. The Verdict, §§ 105—113. 10. Reversal of Judgment, §§ 114, 115. (Pp. 108—150.)

The *fourth* division comprises:—1. Between Life and Death, §§ 116—120. 2. The Executioners, § 121. 3. The Consummation, §§ 122—127. 4. Posthumous Ignominies, §§ 128—133. 5. Minor Punishments, §§ 134—139. 6. Rehabilitation, §§ 140—141. (Pp. 153—173.)

The author gives us, furthermore (pp. 175—184), some ingenious maxims and rules culled from various sources, as a sort of guide for the conduct of judges and the dispensation of judgment. An essay on the Talmud published some years ago is annexed to this valuable handbook, in order to give a general insight into the composite character of that stupendous work, an essay which is somewhat monotonous it is true when treating of the biographies of the Talmudists, but is instructive on the whole. At the end of the volume may be found a comprehensive index to all subjects contained therein, which is of great assistance and convenience to the reader.

While treating at length upon all topics relative to actual Jurisprudence, we still find several important parallels between Roman and Hebrew jurisdiction omitted, which would have been interesting for

English readers. We are surprised to find, for instance, only two or three items on presumptive evidence¹ (pp. 124, 125, Notes 286, 287), which is in itself a profound study, and should have been handled with greater reflection. Nevertheless, this much we may safely state, that Dr. Mendelsohn's work has been compiled with great care and ability, and contains exhaustive accounts of the salient points in Talmudic Jurisdiction. We heartily recommend this excellent handbook to all who desire precise information on the subject, all the more so, as it is here presented in language and style at the command of all Semitic students of law.

ALEXANDER KOHUT.

Hebräische Berichte über die Judenverfolgungen während der Kreuzzüge (Hebrew Documents on the Persecution of the Jews during the Crusades), edited by A. Neubauer and Dr. M. Stern, with a critical introduction by Professor H. Bresslau, and a German translation by Dr. S. Baer. Berlin, 1892. 8vo. (Being the second volume of the *Quellen zur Geschichte der Juden in Deutschland*.)

IN the first place we shall give a description of the documents contained in the present book, and mention the division of labour among the contributors to this important publication for the history of the Crusades.

The writer of these lines has contributed the following texts :—
No. 1.—A narrative, composed (before 1146) by a Solomon, son of Simeon, concerning the sufferings of the Jews, chiefly in the Rhine districts during the first Crusade (1096 A.D.). Then follow additional short pieces concerning the sufferings of the Jews in Northern France at a later period. Solomon's writing was completely unknown, and is taken from the unique MS., No. 28, of the Jews' College Library in London (see the Catalogue, p. 11). The MS. having been often, on the one hand tampered with by a censor, and on the other hand incorrectly copied, the edition of the text required a great number of notes. According to Professor Bresslau, Solomon wrote in the year 1140. No. 2.—A narrative by Eliezer, son of Nathan of Mayence, on the same subject, composed about the same date as the previous document. The text is produced according to the printed text published by Dr. Jellinek, and collated with all known MSS., old as

¹ Dr. Frankel (*Gerichtliche Beweis*, &c., pp. 437—474) devotes a large chapter to this interesting topic, and Dr. Freudenthal's able essay (in Frankel's *Monatsschrift* IX. (1860), pp. 162—175, 230—234, 251—271, 298—305) should have been utilised as well. Cf. *Aruch Completum* III., 362, where we have collected various items on presumptive evidence.